

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03-14

WHEREAS, Elizabeth Chopp, the property owner petitioned for a variance from Table 34-3 to reduce the side setback for a waterfront lot from 7.5 feet to 4.4 feet to allow an existing slab to be enclosed ; and,

WHEREAS, the subject property is located at 3970 Estero Blvd., Ft. Myers Beach, and the applicant has indicated the property's STRAP number as: 29-46-24-W3-0050F.0040 and the legal description is as follows:

LOT 4, BLOCK 'F', GULF ISLAND MANOR SUBDIVISION, PLAT
BOOK 8, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 15, 2003, when they recommended that the Town Council approve the variance request subject to the following conditions;

1. That the height of the screen enclosure is limited to the gutter height of the existing residence or 8 feet, whichever is less.
2. That the variance approval is limited to the request to enclose the existing slab and that any further action to expand the residence or replace the existing residence would require that either a new variance would be requested or that a new structure would have to comply with all existing rules and regulations including but not limited to setbacks as provided in the LDC.

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, recommendations of the local planning agency, testimony from the applicant and from the public.

IT IS THE FINDING of this council that the following exist:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken after to the adoption of the regulation in question;
- c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

e. That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the variance requested:

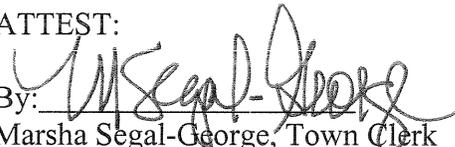
1. The height of the screen enclosure is limited to the gutter height of the existing residence or 8 feet, whichever is less.
2. The variance approval is limited to enclose the existing 11.7 ft. by 12.1 ft. deck, not to exceed the existing building line, as depicted on the 9/5/2001 BWL&K survey plat, and that any further action to expand the residence or replace the existing residence would require that either a new variance would be requested or that a new structure would have to comply with all existing rules and regulations including but not limited to setbacks as provided in the LDC.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

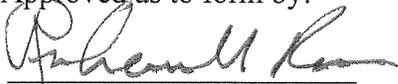
Howard Rynearson	<u>aye</u>
Daniel Hughes	<u>aye</u>
Bill Thomas	<u>aye</u>
W. H. "Bill" Van Duzer	<u>aye</u>
Terry Cain	<u>aye</u>

APPROVED this 12th day of May, 2003.

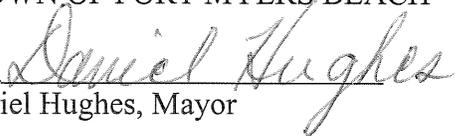
ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

